IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.997 OF 2004

Shri Hari Ramchandra Thakur : Petitioner

versus

Ramchandra Sitaram Dhakras

and others. : Respondents.

Smt.Shama Ghotekar i/by Mr.S.B.Shetye for the petitioner.

Miss.Shital Patil i/by Bhave & Co. for Respondent Nos.1 to 30.

Mr.A.M.Shringarpure, APP, for the State.

CORAM : D.G.DESHPANDE

DATED : MARCH 18, 2006.

P.C.

1. Petitioner is the original complainant. He filed, by a stroke of pen, a complaint against as many as 36 persons alleging that they have illegally and unauthorizedly removed iron gate installed by him in his premises. The

Magistrate, Rajapur ordered issuance of process. That was challenged by all the accused before the Sessions Court and the Sessions Judge up held their contentions and quashed the order of issuance of process. Hence the complainant has filed this petition.

2. Even after hearing the advocate for the complainant and after perusing the records filed with this petition, no fault can be found with the observations made by the Sessions Judge. He has given well reasoned order and, in Para 8 of his judgment, he has observed that the allegations in the complaint are touch and go, uncertain, vague, scrappy and jumpy and it would abuse the process of law if the order of issuance of process is maintained. He has considered all these circumstances. And in any case, perusal of the complaint shows that, though as many as 36 accused are implicated, no allegation of any specific type or kind is made against any of the accused. Verification statement is the basis. Even the evidence adduced does not make out prima facie case. The order of the Sessions Judge, is proper. No interference is called for. The petition is dismissed.

[D.G.DESHPANDE]